

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED *WJ*
04 MAY -5 PM 2:10

UNITED STATES OF AMERICA,

v.

RICHARD M. SCRUSHY,
Defendant.

)
)
)
)
)
)

U.S. DISTRICT COURT
N.D. OF ALABAMA

CR-03-BE-0530-S

Response to
Defendant's Motion to Modify Conditions of Release

Comes now the United States, by and through the United States Attorney for the Northern District of Alabama, and responds to the *Defendant's Motion to Modify Conditions of Release*, filed May 3, 2004, as follows:

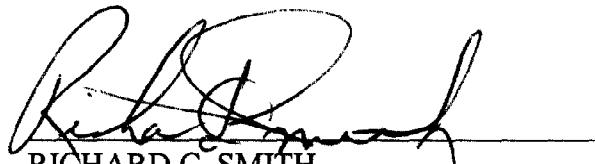
No changes in Mr. Scrushy's family situation warrant a change in conditions of release. He still controls considerable resources and faces a considerable incentive to flee. That incentive increases as trial nears. The incentive is also increased by set backs Mr. Scrushy has suffered in civil cases, including *Bondi v. Scrushy* in the State of Delaware, where he was ordered to repay \$25 million to *HealthSouth*. The ruling in that case is being cited in other similar cases against Mr. Scrushy, providing further incentive for him to flee. The fact that Mr. Scrushy has complied with the current bond conditions demonstrates only that those conditions are working – to date. It does not mean that he will comply with the conditions in the future.

Respectfully submitted, this the 5th day of May, 2004.

ALICE H. MARTIN
United States Attorney, by



MICHAEL V. RASMUSSEN
Assistant United States Attorney
1801 4th Ave. N.
Birmingham, AL, 35203
(205) 244-2210; (205) 244-2182 (fax)



RICHARD C. SMITH
Deputy Chief, Fraud Section
Department of Justice, Criminal Division
1400 New York Avenue N.W.
Washington, D.C. 20530
(202) 514-7023; (202) 514-7021 (fax)

Certificate of Service

The United States certifies that a copy of the aforesaid has been served by mailing the same by First Class United States Mail, this date, to the defendant's attorneys of record:

Thomas V. Sjoblom
Abbe David Lowell
Chadbourn & Parke, LLP
1200 New Hampshire Ave. N.W.
Washington, D.C. 20036
(202) 974-5600; (202) 974-5602 (fax)

Donald Watkins
2170 Highland Ave., Ste 100
Birmingham, AL 35205
(205) 558-4665; (205) 558-4670 (fax)

H. Lewis Gillis
Raymond L. Johnson, Jr
Thomas, Means, Gillis & Seay P.C.
505 20th St. N.
Birmingham, AL 35237-0447
(205) 328-7915; 214-6160 (fax)

Arthur W. Leach
2310 Marin Drive
Birmingham, AL, 35243
(404) 786-6443; (205) 824-0321 (fax)


MICHAEL V. RASMUSSEN